

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**ROBERT REED FALBE, III,**

**Plaintiff,**

**vs.**

**USA,**

**Defendant.**

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**Case No. 22-cv-02720-JPG**

**MEMORANDUM & ORDER**

**GILBERT, District Judge:**

This case was opened pursuant to 42 U.S.C. § 1983 upon receipt of a Complaint filed by Robert Reed Falbe, III. (Doc. 1). Plaintiff is an inmate who is currently incarcerated at Avenal State Prison in Avenal, California. He filed a complaint in this federal judicial district for reasons that are not at all clear. The Complaint is incomprehensible. It consists of words and phrases, lists of claims, and references to criminal matters that lack context. The Court cannot discern why the plaintiff filed the complaint, why he brought the action in this court, what jurisdictional basis exists for his claims, what claims he seeks to bring, and what relief he requests. A review of court records reveals no open or closed criminal or civil matter involving the plaintiff in this federal judicial district.<sup>1</sup> Because the Court can discern no basis for jurisdiction, the Complaint shall be dismissed without prejudice for lack of jurisdiction.

**IT IS HEREBY ORDERED** that the Complaint (Doc. 1) is **DISMISSED** without prejudice for lack of subject matter jurisdiction.

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<sup>1</sup> See also *Bova v. U.S. Bank, N.A.*, 446 F. Supp. 2d 926, 930 n.2 (S.D. Ill. 2006) (a court may judicially notice public records available on government websites) (collecting cases).

If Plaintiff wishes to pursue a claim against a state actor for a violation of his federal rights under 42 U.S.C. § 1983, against an individual federal agent under 28 U.S.C. § 1331, or against the United States for the tortious conduct of a federal officer under the Federal Tort Claims Act, he may file a First Amended Complaint *in this case* (Case No. 22-cv-2720-JPG) on or before **DECEMBER 28, 2022**. Because Plaintiff commenced this action without prepaying the filing fee of \$402 or filing a motion for leave to proceed *in forma pauperis* (IFP motion), he will also need to pay the full fee of \$402 or file an IFP motion by the deadline (**DECEMBER 28, 2022**).

If he seeks to challenge a federal conviction, he may instead use the Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 to do so. However, he should file the petition in the federal judicial district where he is currently in custody.

Plaintiff is **WARNED** that failure to file a First Amended Complaint and either prepay the \$402 filing fee or file an IFP motion shall result in the dismissal of this action after the deadline expires.

The Clerk's Office is **DIRECTED** to **SEND** the plaintiff blank copies of this Court's Civil Rights Complaint Form, Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, and Motion for Leave to Proceed *in forma pauperis*.

**IT IS SO ORDERED.**

**DATED: 11/28/2022**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**United States District Judge**